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Calendar No. 758

99TH CONGRESS 2d Session | SENATE | REPORT 99-356

HR 210

THE RELEASE OF CERTAIN CONDITIONS AND RESERVATIONS ON CERTAIN LANDS IN THE STATE OF UTAH

AUGUST 1 (legislative day, JULY 28), 1986.—Ordered to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources submitted the following

REPORT

ORIGINAL

[To accompany S. 1911]

The Committee on Energy and Natural Resources to which was referred the bill (S. 1911) to direct the Administrator of General Services to release, on behalf of the United States, certain conditions and reservations contained in a conveyance of land to the State of Utah, having considered the same, reports favorably thereon with amendments to the text and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, lines 4 and 5, strike "Not later than thirty days after the date of enactment of this Act," and insert in lieu thereof: "Subject to subsection (c) of this section,".

2. On page 2 after line 24 add a new subsection (c) as follows:

> "(c) In consideration for the release authorized in subsection (a) of this section, the State of Utah shall pay to the United States the fair market value of the land described in section 2 of this Act or acquire land which shall be subject to the same conditions and restrictions as the land originally conveyed and which provides an equivalent wildlife conservation habitat as determined by the Secretary of the Interior.".

PURPOSE OF THE MEASURE

S. 1911, as reported, would direct the Administrator of General Services to release use retrictions on approximately 150 acres of

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land to enable the State of Utah to exchange the parcel with a private concern. The land to be acquired by the State of Utah through the exchange is to be used for wildlife conservation purposes.

Background and Need

S. 1911 permits the State of Utah to enter into an exchange involving approximately 150 acres of land in Salt Lake City, Utah, conveyed by the General Services Administration to the State in 1950. The State of Utah is seeking to obtain 3,519 acres of prime wetlands now owned by Upland Industries Corporation by trading the federally conveyed 150 acres. However, the quitclaim deed conveyance from the United States through the General Services Administration to the State dated July 26, 1950, includes reversionary clauses and a Federal right to surface entry for mineral rights. Such conditions preclude the State or other private parties from developing the 150 acres for purposes which may conflict with provisions contained in the reversionary clause.

Legislative History

S. 1911 was introduced by Senator Garn and Senator Hatch on December 9, 1985. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on the bill on March 4, 1986.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Resources ordered S. 1911, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by unanimous vote of a quorum present recommends that the Senate pass S. 1911, if amended, as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield *	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski *	
Mr. Nickles	
Mr. Hecht	
Mr. Evans *	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum *	
Mr. Bradley *	
Mr. Bingaman *	
Mr. Rockfeller *	

* Indicates vote by proxy.

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COMMITTEE AMENDMENTS

The lands described in the bill are owned by the State of Utah and are proposed for exchange for other land. The Committee amendment requires that the restrictions extend to any lands acquired if an exchange is completed or the payment of fair market value of the lands described in the bill.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1911, a bill to direct the Administrator of General Services to release, on behalf of the United States, certain conditions and reservations contained in a conveyance of land to the State of Utah, as ordered reported by the Senate Committee on Energy and Natural Resources on July 16, 1986. We estimate that enactment of this bill would result in no significant cost to the federal government or to state or local governments.

S. 1911 would require the Administrator of General Services to release certain conditions and reservations contained in a 1950 conveyance of land to the State of Utah. The bill would require the state to pay to the United States the fair market value of the land or to acquire land that would be subject to the same conditions and restrictions as the land originally conveyed and that provides an equivalent wildlife conservation habitat. In addition, the United States would retain the mineral rights for the newly acquired land and would be permitted to obtain the land if it is needed for national defense purposes.

Based on information obtained from the General Services Administration, the Department of the Interior, and the State of Utah, CBO expects that in consideration for the release, the State of Utah would acquire equivalent lands and make them subject to the same restrictions and conditions as the land originally conveyed, rather than pay to the United States the fair market value of the land. Therefore, we estimate that enactment of this bill would result in no significant cost or savings to the federal government.

If S. 1911 is enacted, the State of Utah plans to convey the land to Upland Industries, a subsidiary of Union Pacific Corporation, in exchange for 3,500 acres of Union Pacific land in northern Utah. This land would be made subject to the same conditions and restrictions as the land originally conveyed to the state. If this exchange occurs, the state would not incur significant costs. Enactment of this bill would not otherwise affect the budgets of state or local governments.

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If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1911. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1911, as reported.

EXECUTIVE COMMUNICATIONS

On February 20, 1986, the Committee on Energy and Natural Resouces requested legislative reports from the General Services Administration and the Office of Management and Budget setting forth executive views on S. 1911. These reports had not been received at the time the report on S. 1911 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1911, as reported.

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